

1 **R277. Education, Administration.**

2 **R277-205. Alcohol Related Offenses.**

3 **R277-205-1. Authority and Purpose.**

4 ~~[A-]~~(1) This rule is authorized ~~[under]~~by:

5 ~~(a)~~ Utah Constitution Article X, Section 3₁ which vests general control and
6 supervision over public education in the Board~~[;]~~₁

7 ~~(b)~~ ~~[by]~~Section 53A-6-306₁ which directs the Board to adopt rules regarding
8 UPPAC duties and procedures~~[;]~~₁ and

9 ~~(c)~~ ~~[by]~~Subsection 53A-1-401(3)₁ which allows the Board to adopt rules in
10 accordance with its responsibilities.

11 ~~[B-]~~(2) The purpose of this rule is to establish procedures for disciplining
12 educators regarding alcohol related offenses.

13 ~~[E-]~~(3) The standards and procedures of the Utah Administrative Procedures
14 Act do not apply to this rule under the exemption of Subsection 63G-4-102(2)(d).

15 **R277-205-2. Action by the Board if a Licensed Educator Has Been Convicted**
16 **of an Alcohol Related Offense.**

17 ~~[A-]~~(1)(a) If as a result of a background check, it is discovered that a licensed
18 educator has been convicted of an alcohol related offense in the previous five years,
19 UPPAC shall adhere to the~~[following]~~ minimum conditions described in this
20 Subsection (1).~~[;]~~

21 ~~([4]b)~~ One conviction--a letter shall be sent to the educator informing the
22 educator of the provisions of this rule~~[;]~~₁.

23 ~~([2]c)~~ Two convictions--a letter shall be sent to the educator informing the
24 educator of the provisions of this rule and requiring documentation of clinical
25 assessment and recommended treatment following the second conviction~~[;]~~₁.

26 ~~([3]d)~~ If the most recent conviction was more than three years prior to the
27 discovery of the conviction(s) and the educator provides documentation of clinical
28 assessment and recommended treatment, UPPAC shall recommend that the Board
29 send a letter of warning to the educator~~[;]~~₁.

30 ~~([4]e)~~ If the most recent conviction was less than three years prior to the
31 discovery of the conviction(s) and the educator provides documentation of clinical

assessment and recommended treatment, UPPAC shall recommend that the Board send a letter of reprimand to the educator and a letter to the district, if employed[;].

([5]f) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical assessment and recommended treatment, UPPAC or the Board may initiate an investigation of the educator based upon the alcohol offenses[;].

([6]g) Three convictions--a letter shall be sent to the educator informing the educator of the provisions of this rule and requiring documentation of clinical assessment and recommended treatment following the third conviction[;].

([7]h) If the most recent conviction was more than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, UPPAC shall recommend that the Board send a letter of warning to the educator[;].

([8]i) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides documentation of clinical assessment and recommended treatment, UPPAC shall recommend that the Board send a letter of reprimand to the educator and send a copy of the letter of reprimand to the educator's employer[; and].

([9]j) If the most recent conviction was less than three years prior to the discovery of the conviction(s) and the educator provides no documentation of clinical assessment and recommended treatment, UPPAC shall recommend suspension of the educator's license to the Board, subject to the educator's right to a hearing under Rule R277-202.

[B:](2) This rule does not preclude more serious or additional action by the Board against an educator for other related or unrelated offenses.

R277-205-3. Board Action Toward Individuals Who Do Not Hold Licensing.

(1) If as a result of a background check, it is discovered that an individual inquiring about educator licensing, seeking information about educator licensing, or placed in a public school for any purpose requiring a background check, has been convicted of an alcohol related offense within five years of the date of the background check, the[following] minimum conditions described in this section shall

63 apply[;].

64 [A-](2) [o]One conviction--the individual shall be denied Board clearance for
65 a period of one year from the date of the arrest[;].

66 [B-](3) [t]Two convictions--the individual shall be denied Board clearance for
67 a period of two years from the date of the most recent arrest and the applicant shall
68 present documentation of clinical assessment and recommended treatment before
69 Board clearance shall be considered[; and].

70 [C-](4) [t]Three convictions-the Board may require the applicant to present
71 documentation of clinical assessment and recommended treatment and may deny
72 clearance.

73 **KEY: educators, disciplinary actions, alcohol, background check**

74 **Date of Enactment or Last Substantive Amendment: [July 8,]2015**

75 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-306; 53A-**
76 **1-401(3)**